

### **EXAMINER STATEMENT**

1. This action is responsive to the Request for Continued Examination (RCE) filed on 07/27/2009 with a new IDS after Office has issued Notice of Allowance on 06/02/2009.

### ***Summary of this Office Action***

2. Applicants' request for continued examination with submission of the new reference on 07/27/2009 has been fully considered, and discussed in the next section below, are deemed to be persuasive. Therefore, claims 1 and 3-11 are deemed to be allowable over the prior art of record, and applicants' request for allowance is respectfully granted.

### **EXAMINER'S AMENDMENT**

3. An examiner's amendment to further clarify applicant claimed subject matter in view of the new reference appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

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4. Authorization for this examiner's amendment was given in a telephone interview with attorney Joseph Flerlage (registration # 52,897) on September 16-17, 2009. The application has been amended as follows:

1. **(Currently Amended)** *A method for maximizing the distribution of market information in an electronic trading environment, the method comprising:*

*determining a bandwidth limit for a communication link that is used in distributing market information related to a tradeable object from an electronic market via a computing device;*

*selecting a first mode of transmission from a plurality of modes of transmission for distributing the market information via the computing device, wherein the first mode of transmission comprises sending a new market update message from the electronic market when a change in a market order book is detected;*

*determining whether ~~that~~ the bandwidth limit for the communication link is reached via the computing device; and*

*in response to determining whether the bandwidth limit for the communication link is reached, dynamically selecting between the first mode of transmission and a second mode of transmission, the second mode of transmission for distributing the market information from a the plurality of modes of transmission via the computing device,*

*wherein the second mode of transmission comprises sending a new market information snapshot at a predetermined time intervals being dynamically adjustable according to bandwidth utilization of the communication link,*

*wherein the market information snapshot comprises an inside market for the tradeable object including a best bid price and a best ask price currently available for the tradeable object.*

2. *(Canceled).*
3. *(Previously Presented) The method of claim 1, further comprising:  
determining that a bandwidth over the communication link is below the bandwidth limit; and  
dynamically selecting the first mode of transmission.*
4. *(Previously Presented) The method of claim 1 wherein the communication link comprises a network connection from a market information source to a gateway.*
5. *(Original) The method of claim 1 wherein the communication link comprises a network connection from an electronic market information source to a client device.*
6. *(Original) The method of claim 1 wherein the communication link comprises a network connection from a gateway to a client device.*
7. *(Previously Presented) The method of claim 1 wherein determining a bandwidth limit for a communication link comprises manually setting a bandwidth limit.*
8. *(Previously Presented) The method of claim 1 wherein determining a bandwidth limit for a communication link comprises measuring the bandwidth limit electronically by software.*

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9. *(Previously Presented) The method of claim 1 wherein the mode of transmission is dynamically changed from the first mode to the second mode when the second mode maximizes the distribution of the market information more than the first mode.*

10. *(Previously Presented) The method of claim 9 wherein the mode of transmission is dynamically changed from the second mode back to the first mode when the first mode maximizes the distribution of the market information more than the second mode.*

11. *(Previously Presented) The method of claim 1 wherein aspects of the plurality of modes of transmission may be dynamically adjusted to comport with changing bandwidth limits.*

12-25. *(Canceled)*

### **Conclusion**

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bijendra K. Shrestha whose telephone number is (571) 270-1374. The examiner can normally be reached on 8:00 AM-4:30 PM (Monday-Friday).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alexander Kalinowski can be reached on (571) 272-6771. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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/Hani M. Kazimi/  
Primary Examiner, Art Unit 3691